

FIRST REGULAR SESSION

# HOUSE BILL NO. 1167

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AUSTIN.

2495H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 336.115, RSMo, and to enact in lieu thereof one new section relating to dispensing contact lenses.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 336.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 336.115, to read as follows:

336.115. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person **or entity** from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required, upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; [or]

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee; **or**

(3) **Dispensing or selling contact lenses without a valid prescription from a licensed optometrist or physician. For purposes of this section, "contact lens" means any lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect. Contact lens includes, but is not limited to, a cosmetic, therapeutic, or corrective lens. The board shall promulgate rules defining the requirements for a valid prescription.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           2. Any such action shall be commenced either in the county in which such conduct  
19 occurred or in the county in which the defendant resides.

20           3. Any action brought pursuant to this section shall be in addition to and not in lieu of  
21 any penalty provided by this chapter and may be brought concurrently with other actions to  
22 enforce this chapter.

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